

Title 15BUILDINGS AND CONSTRUCTIONChapters:

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Chapter 15.04UNIFORM CODES ADOPTEDSections:

15.04.010	International Building Code.
15.04.020	Uniform Mechanical Code.
15.04.030	Violation--Penalty.

15.04.010 International Building Code. A. The International Building Code including Appendixes A, B and F, International Residential Code including Appendixes F, G and M, the International Mechanical Code including Appendix A and International Existing Building Code, 2006 Edition, published by the International Conference of Building Officials for regulation and erection, construction, enlargement, alteration, repair, removing, demolition, conversion, occupancy, and maintenance of all buildings and structures in the town. If the building subject being addressed is in the La Veta Municipal Code, the La Veta Municipal Code will take precedence.

B. The International Building Code including Appendixes A, B and F, International Residential Code including Appendixes F, G and M, the International Mechanical Code including Appendix A and International Existing Building Code, 2006 Edition, published by the International Conference of Building Officials, pursuant to Title 31, Article 12, Part 4, of the Colorado Revised Statutes 1973. Any building subject addressed in the La Veta Municipal Code

will take precedence, the La Veta Municipal Code will take precedence. (Ord. 233 § 4(part), 2008)

15.04.020 Uniform Mechanical Code.

The Uniform Mechanical Code, 1997 Edition, published by the International Conference of Building Officials, is adopted by reference as the mechanical code of the town, for regulating and controlling the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of heating, ventilating, cooling, refrigeration systems, incinerators, or other miscellaneous heat-producing appliances in the town. (Ord. 205 § 2, 2000: Ord. 178 § 1(b), 1994)

15.04.030 Violation--Penalty.

It is unlawful for any person to erect, construct, enlarge, alter, repair, move, improve, remove, convert, demolish, equip, use, occupy, or maintain any building or structure in the town, or cause or permit the same to be done contrary to or in violation of any of the provisions of the codes adopted by reference under this title.

Each day of violation shall be deemed a separate offense. (Ord. 178 § 2, 1994)
(Ord. No. 250, § 12, 6-16-2009)

Chapter 15.08

BUILDING CODE

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- 15.08.250 Board of appeals.
- 15.08.260 Certificate of occupancy.
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15.08.010 Adoption by reference. The International Building Code, International Residential Code, International Mechanical Code and International Existing Building Code, 2006 Edition, published by the International Conference of Building Officials, is adopted by reference pursuant to Title 31, Article 12, Part 4, of the Colorado Revised Statutes 1973. (Ord. 233 § 4(part), 2008)

15.08.020 Purpose. The ordinance adopted in this chapter provides for the issuance of permits and collection of fees therefor; providing penalties for the violation thereof; and repealing all ordinances and parts of ordinances in conflict therewith; and establishing the office of the building inspector and defining his powers and duties. (Ord. 83 § 2, 1975)

15.08.030 Copies on file. At least one copy of the International Building Code, International Residential Code, International Mechanical Code and International Existing Building Code, 2006 Edition, Ordinance certified by the mayor and town clerk to be a true copy of such regulations as they were adopted by the ordinance codified in this chapter, shall be kept on file in the office of the town clerk available for public inspection. (Ord. 233 § 4(part), 2008)

15.08.040 Publication and distribution. The town clerk shall be responsible for the publication, distribution, and filing of revision sheets by reason of amendment, addition, or repeal. The town clerk shall distribute the revision sheets to whom and at such cost as the town board may direct. (Ord. 83 § 14.2, 1975)

15.08.050 Sale of copies. The town clerk shall maintain copies of this International Building Code, International Residential Code, International Mechanical Code and International Existing Building Code, 2006 Edition, Ordinance to be available for the purchase by the public at a moderate price to cover the cost of reproduction. (Ord. 233 § 4(part), 2008)

15.08.060 Section 205 adopted--Penalties. The following section of the International Building Code, International Residential Code, International Mechanical Code and International Existing Building Code, 2006 Edition, Ordinance: La Veta, Colorado, contains a penalty clause herewith set forth in full and adopted:

Sec. 113/113R. It shall be unlawful for any person, firm, or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, structure or equipment regulated by this code, or cause the same to be done, in conflict with or in violation of any of the provision of this code.

Any person, firm, or corporation violating any of the provision of this code shall be deemed guilty of a misdemeanor, and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any

violation of any of the provision of this code in committed, continued, or permitted, and upon conviction of any such violation such person shall be punishable by a fine of not more than \$300, or by imprisonment for not more than 90 days, or by both such fine and imprisonment.

(Ord. 233 § 4(part), 2008)

15.08.070 Setback, height, variances and violations and penalties. A. Setbacks. The setback requirements provided in Title 18 shall apply to all structures and buildings including outbuildings, patios, or any structures having a roof and supported by columns and/or walls.

B. Maximum Building Heights. No building shall hereafter be built or structurally altered to exceed two and one-half stories or thirty-five feet in height; provided this subsection shall not apply to chimneys, church spires, flag poles, radio and television antennae, water tanks and public utility poles and towers. Outbuildings shall not exceed twenty feet in height.

C. Variances. The board of trustees of the town of La Veta shall have the power to grant variances from the provisions of this chapter upon the following conditions:

1. That an unnecessary hardship to the owner could be shown to occur if the provisions of the ordinance codified in this chapter were literally followed;

2. That the circumstances found to constitute a hardship either were not created by the owner, or were in existence at the time of the passage of this chapter, are not due to nor are the result of general conditions in the town, and cannot reasonably be corrected;

3. That the variance would not injure the value, use of, or prevent the proper access of light and air to the adjacent properties;

4. That the variance would not be out of harmony with the intent and purpose of this chapter.

D. Violation and Penalty. No building permit shall be issued for any construction activity not in conformity with this section and any violation of this chapter shall be subject to all of the provisions now in effect under said ordinance codified in this chapter. (Ord. 233 § 4(part), 2008)

15.08.080 Office of the building inspector.

A. There is created an officer known as the town building inspector. The town building inspector shall be responsible to the town board and shall administer and enforce all building regulations of the town. It shall be his duty to see that all existing and newly constructed structures conform to the International Building Code, International Residential Code, International Mechanical Code and International Existing Building Code, 2006 Edition, and the La Veta Municipal Code, which shall take precedence over the IBC, IRC, IMC and IEBC.

B. He shall have all powers conferred upon a building inspector under this chapter and all other ordinances of the town in order to perform his functions. (Ord. 233 § 4(part), 2008; Ord. 83 § 4, 1975)

15.08.090 Right of entry.

Whenever necessary to make an inspection to enforce any of the provisions of this chapter or other ordinances of the town, or whenever the building inspector or his authorized representative has reasonable cause to believe that there exists in any building or upon any premises, any condition which makes such building or premises a danger to health, safety, and welfare, the building inspector or his authorized representative may enter such building or premises at all reasonable times to inspect the same or to perform any duty imposed by these regulations or other regulations and ordinances of the town; provided that if such building or premises is occupied, he shall first present proper credentials and demand entry; and if such building or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other persons having charge or control of the building or premises and demand entry. No owner or occupant or any other person having charge, care, or control of any building or premises shall fail or neglect, after proper demand is made as provided in this section, to promptly permit entry therein by the building inspector or his authorized representative for purposes of inspection and examination pursuant to this chapter and other ordinances of the town. (Ord. 83 § 5, 1975)

15.08.094 License required.

No person shall pursue or engage in the business of the building trades within the town until that person has applied for and obtained a contractor's license from the town. Such trades shall include, but not be limited to:

A. General contracting, including but not limited to masonry, framing, carpentry, and other general construction efforts.

B. Demolition contracting, including but not limited to demolition, clearing and removal of structures.

C. Plumbing. Only those contractors possessing a valid state of Colorado plumber's license will be eligible for a town plumbing license.

D. Electrical. Only those contractors possessing a valid state of Colorado electrician's license will be eligible for a town electrical license.

E. Mechanical contracting, including but not limited to heating and cooling including wood stove and chimney installation, maintenance and repair.

F. Specialty contractor, including but not limited to site preparation, siding, insulation, roofing, sheet rocking, painting and other limited contracting trades.

(Ord. 199 (part), 1999)

15.08.095 Eligibility.

All contractors who engage in the building trades and are not required to be licensed by the state of Colorado must demonstrate their understanding of the International Building Code, International Residential Code, International Mechanical Code and International Existing Building Code, 2006 Edition, and the ability to utilize the most recent version of the code adopted by the town by submitting to a written test administered by the La Veta building inspector. Such test shall be approved and adopted by the town board of trustees by resolution. (Ord. 233 § 4(part), 2008)

15.08.096 Fees.

Fees shall be determined and set by resolution by the town board of trustees. Fees shall be paid and licenses obtained at the office of the town clerk. Licenses will be issued for the calendar year and must be renewed prior to February 1st of each consecutive year. Fees shall not be prorated. (Ord. 199 (part), 1999)

15.08.097 Power to revoke and deny licenses.

The town board of trustees shall have the power to deny renewal of licenses or revoke any contractor's license issued under Sections 15.08.094 through 15.08.099 if the license was obtained through error or fraud, if the contractor has demonstrated an inability to complete the scope of the work undertaken in a workman-like manner, or has violated any of the rules, codes, or ordinances governing the building trades including but not limited to the adopted editions of the La Veta Municipal Code, International Building Code, International Residential Code, International Mechanical Code and International Existing Building Code, 2006 Edition, and all other codes and regulations establishing minimum standards of building design and construction. In addition, a license may be revoked or denied renewal if the contractor fails to submit proof of insurance as required in this section or fails to carry such insurance for any work undertaken in the town.

If a license is revoked under this section, the revocation shall be effective for a maximum of twelve months. If a contractor has a license revoked twice, he shall not be eligible to apply for a contractor's license for a period of ten years. The affected contractor shall have the right to a hearing before the town board before any revocation or denial of renewal is effective. (Ord. 233 § 4(part), 2008)

15.08.098 Liability insurance.

Prior to the issuance of any license, the applicant must present proof of adequate liability insurance to cover the scope and financial ramifications of the work to be undertaken. Liability limits for each class of contractor shall be set by resolution by the town board of trustees. (Ord. 199 (part), 1999)

15.08.099 Contractors not possessing a valid license--Violations.

It is unlawful for any construction work to be undertaken by a contractor not possessing a valid license therefor. Any such construction work shall be subject to an order by the building inspector directing that all said work immediately be stopped ("red tagging"). All work shall be stopped and no work may continue until such time that a license is obtained by the contractor. The building inspector

may issue a citation for a violation of this section. (Ord.
199 (part), 1999)
(Ord. No. 250, § 13, 6-16-2009)

15.08.100 Building permit--Required. No building shall be erected, enlarged, occupied, moved, demolished, or structurally altered until a permit heretofore has been issued by the building inspector; and no permit shall be issued unless the proposal is in full accordance with this chapter, except in those instances where a variance has been granted by the town board. (Ord. 83 §6.1, 1975)

15.08.101 Building permit required--Fence. In the town of La Veta a building permit shall be required to build, erect or construct or cause to be built, erected or constructed a fence on the property line or lines or around the perimeter of any lot or parcel within the town of La Veta at a cost of fifty dollars. Such permit shall be taken by the owner of the property to be fenced.

A fence shall be deemed to be any wire, wood, concrete, block, brick, adobe, plastic, metal, portable panels or other fabricated material that can be construed to be fencing material.

The application for a permit shall be accompanied by an improvement location certificate for the property to be fenced. This permit shall include, but is not limited to, partitions, dog/cats and other domestic pet runs and pens, corrals for horses, cattle, sheep, goats, llamas, alpacas, chickens, garden, playground, park, yard, vacant lots, security and pasture fences which are part of perimeter or boundary fences.

To apply for a building permit for a fence the following requirements must be met:

A. Proof of ownership of property or authorization by owner;

B. Current improvement location certificate with survey pins in place by a registered surveyor;

C. Height requirement: one foot to six foot in height;

D. Any fence, partition, etc. over six feet in height shall also require a variance from the town of La Veta;

E. Proof of notification of adjacent property owners;

F. Any replacement of an existing fence, partition, etc.;

G. Any fence erected or caused to be erected that does not comply with this section shall be removed immediately at the owner's expense.

Permitting. Building permits will be issued by the La Veta building inspector if all appropriate information is provided, including approved variance from the La Veta town board, if required.

Enforcement. This section shall be enforced by the town of La Veta building inspector, code enforcement officer or any other employee of the town of La Veta appointed to the duty by the board of trustees.

Penalty. Any person who shall be convicted of the violation of this provision shall be punished in accordance with Section 15.08.060 of this chapter.

Every day any violation of this code, or any other ordinance or resolution of the town or any rule or regulation promulgated under the provisions of this code, shall continue, shall constitute a separate offense. (Ord. 232, 2006)

15.08.110 Building permit--Application. Application for permits shall be made to the building inspector in a form and manner prescribed by the town. Each application for a building permit shall include, but not be limited to, the following:

A. Description of the land on which the proposed work is to be done by lot number, block, tract, and house and street address, or similar description that will identify the proposed building or work.

B. Drawings showing plot plan and location, floor plans, height and size of all proposed structures, and the location and dimensions of fences, signs, and parking and loading areas. These plans specifications shall be drawn to scale and shall be of sufficient detail and clarity to indicate the nature and extent of the work proposed and shown in detail that it will conform to the provision of this chapter and all relevant ordinances, rules, and regulations adopted by the town. Two sets of plans and specifications shall be submitted.

C. In the case of applications for building permits in areas subject to special flood hazards (officially identified floodway with an average return frequency more often than a one-hundred-year storm), a record of elevations in relation to mean sea level of the lowest floor, including basement. If the lowest floor is below grade on one or more sides, the elevation of the floor immediately above must also be recorded.

D. Applications for building permits in areas subject to special flood hazards shall also include information on special design (or modification) features which have been incorporated into the proposed plan to insure that the proposed building or construction will be reasonably safe from flood damages. This must include proof that the proposed new construction or substantial improvement (including prefabricated and manufactured homes) must: (1) be designed (or modified) and anchored to prevent flotation, collapse, or lateral movement of the structure, (2) use construction materials and utility equipment that are resistant to flood damage, and (3) use construction methods and practice that will minimize flood damages. Information on proposed fill operations or deposition of materials in the special flood hazards area shall also be provided.

- E. Stated valuation of the proposed work.
- F. Appropriate building permit and plan-checking fees.
- G. If private septic systems are proposed, the application must demonstrate that the system has been approved by the State Department of Health.
- H. Other information as lawfully may be required by the building inspector, including the numbers of families, housekeeping units, or rental units the building is designed to accommodate, and such other matters as may be necessary to determine conformance with, and provide for the enforcement of this chapter. (Amended 4/19/88; Ord. 83 §6.2, 1975)

15.08.120 Building permit--Plan exceptions. When authorized by the building inspector, plans and specifications need not be submitted to obtain a building permit for small and unimportant work. (Ord. 83 §6.3, 1975)

15.08.130 Construction on lots without direct access. No building permit will be issued for construction activity on lots without direct access by frontage on a public street. (Ord. 83 §6.4(A), 1975)

15.08.140 Utility hookups. No utility of any type shall be connected, installed, hooked up or serviced to any new construction activity until the applicant can furnish proof that a building permit has been issued for such work by the building inspector. (Ord. 83 §6.4(B), 1975)

15.08.150 Time limitation on permits. Every permit issued by the building inspector under the provisions of these regulations shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within one hundred twenty days from the date of such permit or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred twenty days. (Ord. 83 §6.4(C), 1975)

15.08.160 Suspension or revocation of permit. The building inspector may, in writing, suspend or revoke a permit issued under provisions of these regulations whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of these or other regulations. (Ord. 83 §6.4(D), 1975)

15.08.170 Posting notice of permit on site. At the time of issuance of a building permit, the building inspector will post notice of building permit in a prominent location at the construction site. This notice will remain

on site until either a certificate of occupancy is issued or a building permit is revoked. (Ord. 83 § 6.4(E), 1975)

15.08.180 Inspections. A. After a building permit has been issued, the building inspector will periodically make inspection on the construction site to insure all work is in compliance with the International Building Code, International Residential Code, International Mechanical Code and International Existing Building Code, 2006 Edition, as well as the work description for which the permit was issued. In new construction, inspection will include but not be limited to the foundation, frame, plumbing, electrical wiring, masonry, concrete, and ventilation.

B. As part of the inspection process, the building inspector will insure that all water and sewer lines are capped until connections are completed. (Ord. 233 § 4(part), 2008; Ord. 83 § 7, 1975)

15.08.190 Recordkeeping. The building inspector will be responsible for maintaining a record file, open to the public, on all building permits, building permit application materials (including construction plans), certificates of occupancy, and notices of violation for a period not less than three years. (Ord. 83 § 8, 1975)

15.08.200 Fees. A. After application for a building permit, the building inspector will determine a valuation of all work and materials, including electrical, plumbing, heating and air conditioning, mechanical, and all other work. Based on this valuation and compliance with these and other ordinances and regulations, the building inspector will issue a building permit in accordance with the fee schedules and plan-checking fees approved by the town.

B. Building permit fees will be collected by the building inspector and, in turn, received by the town clerk who will receipt for these fees for each permit that is issued. Collected building permit and zoning enforcement fees and fines will be accounted for as separate items in the town's general fund. (Ord. 83 § 9, 1975)

15.08.210 Violations--Stop orders. The building inspector and his authorized representatives are empowered to cause any building, other structure or tract of land to

be inspected and examined, and to order in writing the remedying of any condition found to exist therein or thereat in violation of any provisions of this chapter. After any such order has been served, no work shall proceed on any building, other structure or tract of land covered by such order, except to correct or comply with such violation. (Ord. 83 § 10.1, 1975)

15.08.220 Violations--Occupancy. Whenever any site or structure is being utilized contrary to the provisions of this chapter, the building inspector may order such use discontinued and the structure or site, or portion thereof, vacated by serving written notice on any person causing such use to continue. Such person shall discontinue the use within ten days after receipt of this notice or make the structure or site comply with the requirements of this chapter. (Ord. 83 § 10.2, 1975)

15.08.230 Violations--Notice. A. If the building inspector becomes aware of any construction activity proceeding without the person responsible for such construction activity first securing a building permit, he will post notice of violation at the construction site and serve the owner and contractor of such property with a violation notification.

B. After a building permit has been issued, if the building inspector detects any violation(s) of the International Building Code, International Residential Code, International Mechanical Code and International Existing Building Code, 2006 Edition, or notices noncompliance with furnished plans under which the permit was issued, he will post notice of the violation(s) at the place of the violation(s) and will serve written violation notification to the person responsible for the violation. (Ord. 233 § 4(part), 2008; Ord. 83 § 10.3, 1975)

15.08.240 Violations--Complaints. Any person aggrieved by a violation or apparent violation of this chapter or any construction codes adopted by the town may file a written complaint with the building inspector, who shall immediately investigate such complaint and take action to have the violation removed, if such a violation is in fact, found to exist. (Ord. 83 § 10.4, 1975)

15.08.250 Board of appeals. In order to determine the suitability of alternate materials and methods of construction and to provide for reasonable interpretations of the provisions of this Code, there is created a board of appeals, consisting of five members who are qualified by experience and training to pass upon matters pertaining to building construction. The building inspector shall be an ex officio member and shall act as secretary of the board. The board of appeals shall be appointed by the mayor and shall hold office at his pleasure. The board shall adopt reasonable rules and regulations for conducting its investigations and shall render all decisions and findings in writing to the building inspector with a duplicate copy to the appellant and may recommend to the town board such new legislation as is consistent therewith. (Ord. 83 § 11, 1975)

15.08.260 Certificate of occupancy. A. No land or building shall hereafter be changed in use, nor shall any new structure, building or land be occupied or used without first having obtained a certificate of occupancy from the building inspector.

B. The holder of every building permit for the construction, erection, alteration, repair or moving of any building, structure or part thereof, shall notify the building inspector immediately upon the completion of the work authorized by such permit, for a final inspection.

C. Within five days of the time of notification that the building or structure is complete and ready for occupancy, and upon reasonable assurance that such is the case, the building inspector will issue certificate of occupancy to the applicant. (Ord. 83 § 12, 1975)

15.08.270 Disclaimer of liability. The enforcement of this chapter by requiring building permits; inspection of construction, buildings, and premises; and the issuance or denial of certificates of occupancy as herein required shall not be construed to hold the town or its authorized representatives responsible for any damage to persons or property by reason of the inspection or reinspection authorized herein or by reason of issuing or not issuing a building permit or a certificate of occupancy as herein provided. (Ord. 83 § 13, 1975)

Chapter 15.12INTERNATIONAL ENERGY CONSERVATION CODESections:

15.12.010 International Energy Conservation Code.

15.12.010 International Energy Conservation Code. A certain document, three copies of which are on file in the office of the town clerk of town of La Veta, being marked and designated as the International Energy Conservation Code, 2006 Edition, as published by the International Code Council, be and is hereby adopted as the Energy Conservation Code of the town of La Veta, in the state of Colorado for regulating and governing energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems as herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Energy Conservation Code on file in the office of the town of La Veta are hereby referred to, adopted, and made a part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in this chapter. (Ord. 243 § 1, 2008)

Chapter 15.20

FLOOD DAMAGE PREVENTION

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ARTICLE I. GENERAL PROVISIONS

15.20.010 Statutory authority. The State Legislature has delegated the responsibility to local governmental units to adopt regulations designed to promote the public health, safety and general welfare of its citizenry. Therefore, the town board does ordain the provisions set out in this chapter. (Ord. 149 §1.1, 1986)

15.20.020 Findings of fact. A. The flood hazard areas of the town are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety and general welfare.

B. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and which, when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss. (Ord. 149 §1.2, 1986)

15.20.030 Purpose. It is the purpose of the ordinance codified in this chapter to promote the public health, safety and general welfare, and to minimize public and private

losses due to flood conditions in specific areas by provisions designed:

A. To protect human life and health;

- B. To minimize expenditure of public money for costly flood-control projects;
- C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. To minimize prolonged business interruptions;
- E. To minimize damage to public facilities and utilities, such as water and gas mains, electric, telephone and sewer lines, streets, and bridges located in areas of special flood hazard;
- F. To help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- G. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 149 §1.3, 1986)

15.20.040 Methods of reducing flood losses. In order to accomplish its purpose, this chapter includes methods and provisions for:

- A. Restricting or prohibiting uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Controlling the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
- D. Controlling filling, grading, dredging and other development which may increase flood damage; and
- E. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters, or which may increase flood hazards in other areas. (Ord. 149 §1.4, 1986)

15.20.050 Applicability. This chapter shall apply to all areas of special flood hazards within the jurisdiction of the town of La Veta. (Ord. 149 §3.1, 1986)

15.20.060 Areas of special flood hazard--Basis for establishment. The areas of special flood hazard identified by the Federal Emergency Management Agency in a scientific and engineering report entitled "The Flood Insurance Study for the Town of La Veta," dated September 29, 1986, with an accompanying Flood Insurance Rate Map, is adopted by reference and declared to be a part of this chapter. The Flood Insurance Rate Map is on file at 204 South Main Street, La Veta, Colorado. (Ord. 149 §3.2, 1986)

15.20.070 Interpretation of provisions. In the interpretation of this chapter, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 149 §3.5, 1986)

15.20.080 Compliance. No structure or land shall, after the effective date of the ordinance codified in this chapter, be constructed, located, extended, converted or altered without full compliance with the terms of said ordinance and other applicable regulations. (Ord. 149 §3.3, 1986)

15.20.090 Abrogation and greater restrictions. The ordinance codified in this chapter is not intended to repeal, abrogate or impair any existing easements, covenants or deed restrictions. However, where this ordinance and another ordinance, easement, covenant or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 149 §3.4, 1986)

15.20.100 Warning and disclaimer of liability. The degree of flood protection required by this chapter is considered reasonable for regulatory purposes, and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. The ordinance codified in this chapter does not imply that land outside the areas of special flood hazards, or uses permitted within such areas of special flood hazards, will be free from flooding or flood damages. The ordinance codified in this chapter shall not create liability on the part of the town, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder. (Ord. 149 §3.6, 1986)

ARTICLE II. DEFINITIONS

15.20.110 Definitions. Unless specifically defined in this article, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage, and to give this chapter its most reasonable application. (Ord. 149 §2.0(part), 1986)

15.20.120 Appeal. "Appeal" means a request for a review of the town board's interpretation of any provision of this chapter, or a request for a variance. (Ord. 149 §2.0(part), 1986)

15.20.130 Area of shallow flooding. "Area of shallow flooding" means a designated AO or AH zone on the flood insurance rate map (FIRM). The base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. (Ord. 149 §2.0(part), 1986)

15.20.140 Area of special flood hazard. "Area of special flood hazard" means the land in the floodplain within a community subject to a one-percent or greater chance of flooding in any given year. (Ord. 149 §2.0(part), 1986)

15.20.150 Base flood. "Base flood" means the flood having a one-percent chance of being equalled or exceeded in any given year. (Ord. 149 §2.0(part), 1986)

15.20.160 Development. "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations located within the area of special flood hazard. (Ord. 149 §2.0(part), 1986)

15.20.170 Existing manufactured home park or manufactured home subdivision. "Existing manufactured home park or manufactured home subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by the town. (Ord. 158 (part), 1990: amended 4/19/88: Ord. 149 §2.0(part), 1986)

15.20.180 Expansion of an existing manufactured home park or manufactured home subdivision. "Expansion of an existing manufactured home park or manufactured home subdivision" means the preparation of additional sites by the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, the construction of streets, and either final site-grading or the pouring of concrete pads). (Ord. 158 (part), 1990: amended 4/19/88: Ord. 149 §2.0-(part), 1986)

15.20.190 Flood or flooding. "Flood" or "flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- A. The overflow of inland or tidal waters; and/or
- B. The unusual and rapid accumulation or runoff of surface waters from any source. (Ord. 149 §2.0(part), 1986)

15.20.200 Flood Insurance Rate Map (FIRM). "Flood Insurance Rate Map (FIRM)" means the official map of a community on which the Federal Emergency Management Agency has delineated both the special hazard areas and the risk-premium zones applicable to the community. (Amended 4/19/88: Ord. 149 §2.0(part), 1986)

15.20.210 Flood Insurance Study. "Flood Insurance Study" means the official report provided by the Federal Emergency Management Agency that includes flood profiles, the Flood Insurance Rate Map, and the water surface elevation of the base flood. (Ord. 149 §2.0(part), 1986)

15.20.220 Highest adjacent grade. "Highest adjacent grade" means the highest natural elevation of the ground surface prior to construction next to the proposed wall of a structure. (Ord. 149 §2.0(part), 1986)

15.20.230 Manufactured home. "Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle." (Ord. 158 (part), 1990: amended 4/19/88: Ord. 149 §2.0(part), 1986)

15.20.240 New construction. "New construction" means structures for which the start of construction commenced on or after the effective date of the ordinance codified in this chapter. (Ord. 149 §2.0(part), 1986)

15.20.250 New manufactured home park or manufactured home subdivision. "New manufactured home park or manufactured home subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after the effective date of the floodplain management regulations adopted by the town. (Ord. 158 (part), 1990: amended 4/19/88: Ord. 149 §2.0 (part), 1986)

15.20.260 Start of construction. A. "Start of construction" includes substantial improvement and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one hundred eighty days of the permit date. The actual start means the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles,

the construction of columns, or any work beyond the stage of excavation; or placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets, and/or walkways; nor does it include excavation for a basement, footings, piers or foundation or erection of temporary forms, nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not as a part of the main structure.

B. For a structure (other than a manufactured home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its piling or foundation.

C. For manufactured homes not within a manufactured home park or manufactured home subdivision, "start of construction" means the affixing of the manufactured home to its permanent site. For manufactured homes within manufactured home parks or manufactured home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the manufactured home is to be affixed (including, at a minimum, the construction of streets, either final site-grading or the pouring of concrete pads, and installation of utilities) is completed. (Amended 4/19/88: Ord. 149 §2.0(part), 1986)

15.20.270 Structure. "Structure" means a walled and roofed building or manufactured home that is principally above ground. (Amended 4/19/88: Ord. 149 §2.0(part), 1986)

15.20.280 Substantial improvement. "Substantial improvement" means any rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the "start of construction" of the improvement. This term includes structures which have incurred "substantial damage" regardless of the actual repair work performed. The term does not, however, include either:

A. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

B. Any alteration of a "historic structure." (Ord. 158 (part), 1990: Ord. 149 §2.0(part), 1986)

15.20.285 Substantial damage. "Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred. (Ord. 158 (part), 1990)

15.20.290 Variance. "Variance" means a grant of relief from the requirements of this chapter, which permits construction in a manner that would otherwise be prohibited by this chapter. (Ord. 156 (part), 1989: Ord. 149 §2.0-(part), 1986)

15.20.295 Recreational vehicle. "Recreational vehicle" means a vehicle which is:

- A. Built on a single chassis;
- B. Four hundred square feet or less when measured at the largest horizontal projections;
- C. Designed to be self-propelled or permanently towable by a light duty truck; and
- D. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonal use. (Ord. 158 (part), 1990)

15.20.300 Lowest floor. "Lowest floor" means the lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter. (Ord. 156 (part), 1989)

15.20.310 Manufactured home park or subdivision. "Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale. (Ord. 156 (part), 1989)

ARTICLE III. ADMINISTRATION

15.20.320 Development permit--Required--Application information. A. A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 15.20.060. Application for a development permit shall be made on forms furnished by the town building inspector, and may include, but not be limited to, plans in duplicate drawn to scale showing the nature, location, dimensions and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities; and the location of the foregoing.

B. Specifically, the following information is required:

1. Elevation in relation to mean sea level of the lowest floor, including basement, of all structures;
2. Elevation in relation to mean sea level to which any structure has been floodproofed;

3. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 15.20.430; and

4. Description of the extent to which any water-course will be altered or relocated as a result of proposed development. (Ord. 156 (part), 1989: Ord. 149 §4.1, 1986)

15.20.330 Building inspector--Authority. The town building inspector is appointed to administer and implement this chapter by granting or denying development permit applications in accordance with its provisions. (Ord. 156 (part), 1989: Ord. 149 §4.2, 1986)

15.20.340 Building inspector--Duties and responsibilities. The duties of the town building inspector shall include, but not be limited to:

A. Permit Review.

1. Review all development permits to determine that the permit requirements of this title have been satisfied;

2. Review all development permits to determine that all necessary permits have been obtained from those federal, state or local governmental agencies from which prior approval is required;

3. Review all development permits to determine if the proposed development adversely affects the flood-carrying capacity of the area of special flood hazard. For purposes of this chapter, "adversely affects" means that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any point;

B. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 15.20.060, the town building inspector shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source as criteria for requiring that new construction, substantial improvements, or other development in Zone A are administered in accordance with Sections 15.20.440 and 15.20.450.

C. Information To Be Obtained and Maintained.

1. Obtain and record the actual elevation (in relation to mean sea level) of the lowest floor, including basement, of all new or substantially improved structures, and whether or not the structure contains a basement;

2. For all new or substantially improved flood-proofed structures:

a. Verify and record the actual elevation, in relation to mean sea level, to which the structure has been floodproofed,

b. Maintain for public inspection all records pertaining to the provisions of this chapter;

D. Alteration of Watercourses.

1. Notify adjacent communities and the Colorado Water Conservation Board prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Emergency Management Agency;

2. Interpretation of FIRM Boundaries. Make interpretation, where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation, as provided in Section 15.20.330 and this section. (Ord. 156 (part), 1989: amended 4/19/88; Ord. 149 §4.3, 1986)

ARTICLE IV. VARIANCES

15.20.350 Appeal board. A. The building and zoning committee, as established by the town board, shall hear and decide appeals and requests for variances from the requirements of this chapter.

B. The building and zoning committee shall hear and decide appeals when it is alleged that there is an error in any requirement, decision or determination made by the town building inspector in the enforcement or administration of this chapter.

C. Appeals.

1. Those aggrieved by the decision of the building and zoning committee, or any taxpayer, may appeal such decisions to the municipal court as provided in Colorado Revised Statutes;

2. Maintain the floodproofing certifications required in Section 15.20.320(B)(3).

D. In passing upon such applications, the building and zoning committee shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and:

1. The danger that materials may be swept onto other lands to the injury of others;

2. The danger to life and property due to flooding or erosion damage;

3. Require that maintenance is provided within the altered or relocated portion of the watercourses so that the flood carrying capacity is not diminished;

4. The susceptibility of the proposed facility and its contents to flood damage, and the effect of such damage on the individual owner;

5. The importance of the services provided by the proposed facility to the community;

6. The necessity to the facility of a waterfront location, where applicable;

7. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

8. The compatibility of the proposed use with existing and anticipated development;

9. The relationship of the proposed use to the comprehensive plan and floodplain management program for that area;

10. The safety of access to the property in times of flood for ordinary and emergency vehicles;

11. The expected heights, velocity, duration, rate of rise and sediment transport of the floodwaters, and the effects of wave action, if applicable, expected at the site; and

12. The costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities, such as sewer, gas, electrical and water systems, streets, and bridges.

E. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing subsection D of this section has been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

F. Upon consideration of the factors in subsection D of this section and the purposes of this chapter, the town building and zoning committee may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

G. The town board shall maintain the records of all appeal actions and report any variances to the Federal Emergency Management Agency upon request. (Ord. 156 (part), 1989: Ord. 149 §4.4-1, 1986)

15.20.360 Conditions for variances. A. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places or a state inventory of historic places, without regard to the procedures set forth in the remainder of this section.

B. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

D. Variances shall only be issued upon:

1. A showing of good and sufficient cause;

2. A determination that failure to grant the variance would result in exceptional hardship to the applicant; and

3. A determination that the granting of a variance will not result in increased flood heights, additional

threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public as identified in subsection D of Section 15.20.330, or conflict with existing local laws or ordinances.

E. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation, and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation. (Ord. 156 (part), 1989: Ord. 149 §4.4-2, 1986)

ARTICLE V. FLOOD HAZARD REDUCTION

15.20.370 General standards designated. In all areas of special flood hazards, the standards set out in this article are required. (Ord. 156 (part), 1989: amended 4/19/88: Ord. 149 §5.1, 1986)

15.20.380 Anchoring. A. All new construction and substantial improvements shall be anchored to prevent flotation, collapse, or lateral movement of the structure and capable of resisting the hydrostatic and hydrodynamic loads.

B. All manufactured homes must be elevated and anchored to resist flotation, collapse or lateral movement and capable of resisting the hydrostatic and hydrodynamic loads. Methods of anchoring may include, but are not limited to use of over-the-top or frame ties to ground anchors. This requirement is in addition to applicable state and local anchoring requirements for resisting wind forces. Specific requirements may be:

1. Over-the-top ties be provided at each of the four corners of the manufactured home, with two additional ties per side at intermediate locations, with manufactured homes less than fifty feet long requiring one additional tie per side;

2. Frame ties be provided at each corner of the home, with five additional ties per side at intermediate points, with manufactured homes less than fifty feet long requiring four additional ties per side;

3. All components of the anchoring system be capable of carrying a force of four thousand eight hundred pounds; and

4. Any additions to the manufactured home be similarly anchored. (Ord. 156 (part), 1989: amended 4/19/88: Ord. 149 §5.1-1, 1986)

15.20.390 Construction materials and methods. All new construction and substantial improvements shall be constructed with electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or located so as to prevent water from entering

or accumulating within the components during conditions of flooding. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage. (Ord. 156 (part), 1989: amended 4/19/88; Ord. 149 §5.1-2, 1986)

15.20.400 Utilities. A. All new and replacement water-supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the system.

B. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharge from the systems into floodwaters.

C. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding. (Ord. 156 (part), 1989: Ord. 149 §5.1-3, 1986)

15.20.410 Subdivision proposal requirements. A. All subdivision proposals shall be consistent with the need to minimize flood damage.

B. All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical and water systems, located and constructed to minimize flood damage.

C. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.

D. Base flood elevation data shall be provided for subdivision proposals and other proposed developments which contain at least fifty lots or five acres, whichever is less. (Ord. 156 (part), 1989: Ord. 149 §5.1-4, 1986)

15.20.420 Encroachments. The cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point. (Ord. 156 (part), 1989: Ord. 149 §5.1-5, 1986)

15.20.430 Specific standards designated. In all areas of special flood hazard where base flood elevation data has been provided as set forth in Section 15.20.060 or subsection B of Section 15.20.320, the provisions set out in Sections 15.20.420 through 15.20.440 are required. (Ord. 156 (part), 1989: Ord. 149 §5.2, 1986)

15.20.440 Residential construction. A. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to or above base flood elevation.

B. Require within any AO or AH zone on the community's FIRM that all new construction and substantial improvements

of residential structures have the lowest floor (including the basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified).

C. Require within zones AO and AH adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures. (Ord. 156 (part), 1989: Ord. 149 §5.2-1, 1986)

15.20.450 Nonresidential construction. A. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to the level of the base flood elevation, or, together with attendant utility and sanitary facilities, shall:

1. Be floodproofed so that below the base flood level the structure is watertight, with walls substantially impermeable to the passage of water;

2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and

3. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the official as set forth in subsection C2 of Section 15.20.320.

B. Require within any AO or AH zone on the community's FIRM that all new construction and substantial improvements of nonresidential structures:

1. Have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM (at least two feet if no depth number is specified); or

2. Together with attendant utility and sanitary facilities be completely floodproofed to that level to meet the floodproofing standard specified in subsection A of this section.

C. Require within zones AO and AH adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures. (Ord. 156 (part), 1989: Ord. 149 §5.2-2, 1986)

15.20.460 Manufactured homes. A. Manufactured homes shall be anchored in accordance with subsection B of Section 15.20.380.

B. All manufactured homes or those to be substantially improved shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is at or above the base flood elevation and is securely anchored to an adequately anchored foundation system. This subsection applies to manufactured homes to be placed or substantially improved in an expansion to an existing manufactured home

park or subdivision. This subdivision does not apply to manufactured homes to be placed or substantially improved in an existing manufactured home park or subdivision except where the repair, reconstruction, or improvement of the streets, utilities and pads equals or exceeds fifty percent of the value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced. It is required that:

1. Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the manufactured home will be at or above the base flood level;

2. Adequate surface drainage and access for a hauler are provided; and

3. In the instance of elevation on pilings, that:
 - a. Lots are large enough to permit steps,
 - b. Piling foundations are placed in stable soil no more than ten feet apart, and
 - c. Reinforcement is provided for pilings more than six feet above the ground level. (Ord. 156 (part), 1989: amended 4/19/88: Ord. 149 §5.2-3, 1986)

15.20.470 Specific construction standards. A. This section applies to manufactured homes to be placed on a single lot or in a new or expansion of an existing manufactured home park or manufactured subdivision. Requires that manufactured homes that are placed or substantially improved within Zones A1-30, AH and AE on sites (1) outside of a manufactured home park or subdivision, (2) in a new manufactured home park or subdivision, (3) in an expansion to an existing manufactured home park or subdivision, or (4) in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.

B. Applies to manufactured homes to be placed in an existing manufactured home park or subdivision prior to the time these regulations are implemented. Requires that manufactured homes to be placed or substantially improved on sites in existing manufactured home parks or subdivisions within Zones A1-30, AH and AE that are not subject to the provisions of the previous subsection be elevated so that either the lowest floor of the manufactured home is at or above the base flood elevation, or piers or other foundation elements that are no less than thirty-six inches in height above grade and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement. (Ord. 158 (part), 1990)

Chapter 15.25IMPACT AREASSections:

- 15.25.010 Purpose and intent.
- 15.25.020 Creation of impact area authority.
- 15.25.030 Definitions.
- 15.25.040 Policy of reimbursement.
- 15.25.050 Determination of impact area.
- 15.25.060 Determination of impact fee.
- 15.25.070 Authority to enter contract.
- 15.25.080 Method of payment.
- 15.25.090 No impairment of vested rights.
- 15.25.100 Enforcement.

15.25.010 Purpose and intent. It is the purpose and intent of the board of trustees of the town to establish the authority for the board of trustees to establish and identify "impact areas" within, or adjacent to, the town wherein public utilities and necessary public infrastructure may be initially constructed either by the town or by an owner or developer owning property which will be served by said public improvements, or within which said public improvements and infrastructure may be oversized so as to benefit not just the initial owner or developer, but all those owners or developers whose property will be benefitted by said construction of oversizing, and to provide a mechanism whereby the town shall be reimbursed for any and all expenses it may incur in said construction, and/or the owner or developer may be reimbursed for his costs of construction of oversizing where said public utilities or oversized utilities may be put to a beneficial use by subsequent owners or developers of property. It is the further intent and purpose of the board of trustees to create a mechanism whereby any and all impact fees imposed upon properties within an identified impact area bear a rough proportionality of the total costs of said construction or oversizing, said rough proportionally to be based upon a determination by the board of trustees, after public hearing, of the need created for said public improvement or infrastructure by the property being assessed the impact fee, and the reasonable and fair proportion of said total cost of construction or oversizing which attributable to the property being thereby benefitted. (Ord. 176 §1(part), 1994)

15.25.020 Creation of impact area authority. The board of trustees of the town is authorized to create impact areas as herein defined, and to assess impact fees

against all properties benefitted by the construction or oversizing of public improvements or infrastructure within said identified impact areas, pursuant to the provisions of this chapter. (Ord. 176 §1(part), 1994)

15.25.030 Definitions. As utilized within this chapter, the following terms shall have the following meanings:

"Developer, subdivider or owners" shall have the same meaning as the phrases "subdivider or developer" as set forth in Section 17.08.040 of this code.

"Impact area" means all property within the impact area created by the town following a public hearing as set forth in this chapter.

"Oversizing" means the construction or provisions of any public improvement as described below which will provide a capacity greater than that which would be required by the owner, developer or subdivider to serve his property. Any reimbursement for oversizing which may be made to the subdivider, developer or owner shall be limited to that amount of capacity which is determined by the town's engineer to be in excess of that which is required to be provided by the subdivider, developer or owner to service his or her own property.

"Public improvement" means any street or road, water main, sewer main, park, improvement to, enhancement or expansion of the town's water treatment plant or sewer treatment plant, or any other improvement required by the town for the provisions of any public service which is required to be installed or constructed prior to the occupancy of any building or residence constructed within the boundaries of the town. (Ord. 176 §1(part), 1994)

15.25.040 Policy of reimbursement. It is the policy of the town to provide for reimbursement to the town for the creation of all public improvements, as defined in Section 15.25.030, which the town is required to construct or enlarge or expand because of specific, identified developments of property. It is further the policy of the town to provide reimbursement to developers, subdividers or owners who are required to provide oversized public improvements which will be put to beneficial use by subsequent owners, developers or subdividers of property within, or which may be annexed into, the town. Reimbursement by other owners within such an established impact area who are benefitted either by the initial construction of public improvements by the town or by the oversizing of public improvements shall be prorated on the basis of a percentage determined by the board of trustees after a public hearing, which percentage shall represent the board's determination of the rough proportionality of the percentage of the total cost of the initial construction or oversizing of public improvements which is attributable to, and which benefits,

the particular property being assessed the impact fee. Any such reimbursement shall be made or authorized only when the board of trustees determines that the town will incur no financial impairment by the making of such reimbursement, or when the board of trustees has entered into a contract with a developer to provide for said reimbursement. (Ord. 176 §1(part), 1994)

15.25.050 Determination of impact area. A. Upon application by a developer, subdivider or owner, or upon the determination by the town board of trustees, a public notice shall be sent to all property owners who own property within a proposed "impact area" of the pendency of such a request. At a time and place established by the board of trustees, a public hearing shall be held to determine whether or not an impact area should be created, and, if an impact area should be created, what impact fees should be attributable to properties which will, in the future, or which might in the future, be developed within the impact area. In determining whether or not to create an impact area, the board shall consider, in addition to those matters which may be brought to the board's attention at the public hearing, the following factors:

1. The likely development of an area, including the present zoning or requested rezoning or pending plat approvals, or any pending requests for annexation of the area into the town;

2. The need, as perceived by the town board, for future public services within the area;

3. The financial impact upon an applicant being required to construct the public improvements in the entire impact area;

4. The financial impact upon the town of providing immediate service to the impact area;

5. The likelihood of prompt repayment to the initial developer for oversized costs, or the likelihood of prompt repayment to the town for any construction it may undertake.

B. Following the public hearing and consideration of the factors described above, the board of trustees is authorized to approve the creation of an impact area, and identify the properties which will be included therein, or to reject the proposed impact area, or to approve the creation of an impact area containing some, but not all, of the requested property. (Ord. 176 §1(part), 1994)

15.25.060 Determination of impact fee. A. Any properties which are identified as being benefitted by a public improvement, or the oversizing of a public improvement, within an impact area shall be assessed an impact fee, which fee shall be determined as provided in this chapter, and which fee shall be paid to the town prior to the issu-

ance of a building permit authorizing any construction activities on said property. The impact fee applicable to any particular property shall be a fee which shall be determined by the town's engineer, and which shall be ratified and adopted by the board of trustees at the time of creation of the impact area, which fee shall reflect the good faith determination by the town as to the percentage of the total cost of the initial construction, or oversizing, of the public improvement which is attributable to the individual property subject to the impact fee based upon the need for the improvement or oversizing which is created by the property which is subject to said impact fee. Those factors which the town and its engineer will take into account in creating said impact fee include, but are not limited to, the following:

1. The total cost of the construction or oversizing of the public improvement;

2. The total number of developed properties which will be benefitted by, or which will make use of, said construction or oversizing;

3. The extent of use which an individual property will make of said constructed or oversized public improvement;

4. The cost which would have been attributable to the individual unit or property to develop the required public improvement to serve said property if said public improvement had not already been constructed or oversized;

5. Whether or not the property being assessed the impact fee would have been required to construct the public improvement had said property not been located within an impact area;

6. The costs of development, including engineering, land acquisition and construction costs, which would have been required to be incurred by the property in question in order to construct the required public improvements.

B. Upon consideration of all of the factors listed above, together with any other factors deemed relevant by the board, the board shall establish the impact fee which will be applicable to all properties within the designated impact area. (Ord. 176 §1(part), 1994)

15.25.070 Authority to enter contract. Authority is expressly reserved to the board of trustees, acting for and on behalf of the town, to enter into contracts with developers, subdividers, or owners to accomplish the provisions of this chapter. In addition, upon designation of an impact area, authority is expressly reserved to the board of trustees to place or record with the Huerfano County clerk and recorder against all property within such a designated impact area a certified copy of the ordinance, or certified copy of the board's minutes containing the motion, design-

nating said impact area. Thereafter, no person owning property in the impact area shall be issued a building permit or a certificate of occupancy for property within the impact area which is benefitted by the public improvements or oversizing until the repayment identified in Section 15.25.080 hereof has been accomplished. (Ord. 176 §1(part), 1994)

15.25.080 Method of payment. Any property which is located within an identified impact area and upon which an impact fee has been established shall pay said impact fee at the time of purchase of a building permit to develop the property in question. In no event, however, shall a certificate of occupancy ever be issued to any property within an impact area and upon which an impact fee has been assessed unless and until said impact fee has been paid in full to the town. (Ord. 176 §1(part), 1994)

15.25.090 No impairment of vested rights. The board of trustees expressly determines and finds that the provisions of this chapter shall be applied prospectively to any property within an impact area, as identified following a public hearing, upon which no building permit has yet been issued. Because of the provisions, the town board finds that there is no conflict with any existing annexation agreements or with any subdivision improvement agreements or with the provisions of Chapter 17.32 of this code. It is expressly the policy of the town, however, to enforce the provisions of this chapter in a manner which is consistent with, and not contrary to, the provisions of any such annexation agreements, subdivision improvements agreements, or the provisions of Chapter 17.32 of this code. In the event that obligations exist for the creation of or payment for public improvements or oversizing of said improvements, the same shall be satisfied either by the fulfillment of any contractual obligations which preexist the adoption of this chapter or by complying with the terms hereof. It is not the intent of the town board to create any additional burdens or obligations on the part of any person, but rather to provide for multiple means of enforcement of said obligations, either by the enforcement of the original obligation or by the enforcement of the provisions of this chapter. (Ord. 176 §1(part), 1994)

15.25.100 Enforcement. Any person failing to comply with the provisions hereof shall be guilty of a misdemeanor, and, upon conviction thereof, shall be subject to the penalties provided in Section 1.08.010 of this code. In addition, at the discretion of the town board of trustees, authority is expressly reserved to the town to enforce the provisions of this chapter, and the provisions of any impact area designation and/or the failure to pay any impact

fee, through an action seeking equitable relief, including, by way of illustration and not by way of limitation, specific performance, injunction, mandatory injunction or the issuance of stop work order on any property being developed without the prior payment of applicable impact fees. In addition to any other penalty provided herein or in this code, any action in equity or any action necessary to enforce a stop work order which is brought by the town shall require the defendant to pay all of the town's attorney's fees and costs incurred in enforcement of the provisions of this chapter. (Ord. 176 §1(part), 1994)

Title 16

(RESERVED)